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10 UNITED STATES DISTRICT COURT

11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12
13 NATIONWIDE BIWEEKLY

14 ADMINISTRATION, INC., an Ohio Corporation;

15 LOAN PAYMENT ADMINISTRATION LLC, an

Ohio limited liability company; and DANIEL S.

16 LIPSKY, an individual;

Plaintiffs,

17
18 v.

JOHN F. HUBANKS, Deputy District Attorney,

19 Monterey County District Attorney's Office, in his

20 official capacity; ANDRES H. PEREZ, Deputy

District Attorney, Marin County District Attorney's

21 Office, in his official capacity; MONTEREY

22 COUNTY DISTRICT ATTORNEY'S OFFICE, a

County Agency; and MARIN COUNTY

23 DISTRICT ATTORNEY'S OFFICE, a County

agency,

24
25 Defendants.

Case No.: 14-cv-04420-LHK

**DEFENDANTS' JOINT NOTICE OF
MOTION AND MOTION TO DISMISS
DEFENDANTS FOR INSUFFICIENCY OF
PROCESS, OR, IN THE ALTERNATIVE,
QUASH SERVICE OF MOTION FOR
PRELIMINARY INJUNCTION AND
COMPLAINT FOR DECLARATORY
RELIEF; POINTS AND AUTHORITIES IN
SUPPORT OF MOTION**

(FED. R. CIV. P. 12(b)(5))

DATE: February 5, 2015

TIME: 2:00 p.m.

DEPT: 8

1 All Defendants' Joint Motion to Dismiss, or in the alternative, motion to quash plaintiff's
2 service, came on regularly for hearing before this Court on February 5, 2015. Brian C. Case appeared
3 as attorney for the County of Marin. William M. Litt appeared as attorney for County of Monterey.
4 Thomas R. Burke appeared as attorney for Plaintiffs.
5

6 After considering the moving and opposition papers, arguments of counsel, and all other matters
7 presented to the Court;

8 IT IS HEREBY ORDERED THAT the Defendants' Joint Motion to Dismiss Defendant is
9 GRANTED without leave to amend, pursuant to FED. R. CIV. P. 12(b)(5) (on the grounds of defect in
10 the manner of service).
11

12 ALTERNATIVELY, IT IS HEREBY ORDERED THAT the County of Marin's motion to
13 quash service pursuant to FED. R. CIV. P. 12(b)(5) (on the grounds of defect in the manner of service)
14 is GRANTED.
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16 IT IS SO ORDERED.
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19 _____
20 Judge of the US District Court
21 Northern District of California
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